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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,026	07/26/2001	Gowri Rajaram	UTL 00113	7642

7590 12/15/2005
Kyocera Wireless Corp.
Attn: Patent Department
10300 Campus Point Drive
San Diego, CA 92121

EXAMINER

TORRES, MARCOS L

ART UNIT PAPER NUMBER

2687

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,026

Applicant(s)

RAJARAM, GOWRI

Examiner

Marcos L. Torres

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-27-05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 39-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Hutchison US006449476B1.

As to claim 39, Hutchison disclose a method for updating system software in a wireless communications device (see col. 1, lines 8-11), the method comprising: providing a patch manager to manage system software updates (see col. 5, lines 62-65); storing said system software update on a nonvolatile memory module comprising a file system section, a patch manager run time instruction (PMRTI) section (see fig. 1,

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item 122), a code storage section, and patch manager code section (see col. 4, line 66 – col. 5 line 10), also is noted that the claim does not specify the difference if any between these storage section, (for example the difference between a code storage section and patch manager code section) for examining purposes they are the same; forming the system software into a plurality of symbol libraries, comprising a first symbol library, a second symbol library, and a third symbol library, wherein each symbol library comprises a plurality of symbols having a related functionality (see col. 5, lines 2-10); and arranging said first symbol library, said second symbol library, and said third symbol library in at least two code sections, wherein said second symbol library and the third symbol library are arranged contiguously within a single code section on the non volatile memory module (see col. 5, lines 11-61), again is noted that the claim does not specify any difference between each symbol library other than second and third share the same code section.

As to claim 40, Hutchinson disclose the method further comprising executing the system software update from the nonvolatile memory, loading said system software update from the patch manager code section and the code storage section within said nonvolatile memory module to a memory component and performing at least one requested action (see col. 5, lines 11-65).

As to claims 41 and 43-44, Hutchinson disclose the method wherein forming the system software into the plurality of symbol libraries, further comprises forming a symbol access code and arranging said symbol access code in the corresponding symbol library (see col. 5, lines 11-61), since the claim does specify the difference

between a symbol library and symbol access code, for examining purposes they are the same.

As to claim 42, Hutchinson disclose the method further comprises referencing the symbol access code to calculate an address of a sought symbol, comprising accessing a code section address table and a symbol address table (see col. 6, lines 9-21).

Regarding claim 45 is the corresponding apparatus claim of method claim 39. Therefore claim 45 is rejected for the same reasons shown above.

As to claims 47-49, Hutchinson discloses the wireless communication device of claim 45, wherein the memory component is located on the nonvolatile memory and a volatile memory (see fig. 1, item 114, 120).

As to claims 50-51, Hutchinson discloses the wireless communication device wherein each code section stores a system software update (see col. 5, lines 11-61).

As to claims 46 and 52, Hutchinson discloses the wireless communication device wherein said patch manager code section is configured to control said system software updates that are downloaded (see col. 9, lines 7-30).

Conclusion

Any response to this Office Action should be mailed to:

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for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-252-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2687


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EUSEO RAMOS-FELICIANO
PATENT EXAMINER